

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

**BHAGUBHAI HIRA, PRADIP HIRA,  
and SHIRISH HIRA**

**Plaintiffs**

**v.**

**NEW YORK LIFE INSURANCE  
COMPANY,**

**Defendants.**

**No. 3:12-CV-373**

**DEFENDANT'S NEW YORK LIFE INSURANCE COMPANY'S  
MOTION FOR SUMMARY JUDGMENT**

Defendant New York Life Insurance Company (“NYLIC”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves this Court to grant it summary judgment because (1) there is no genuine issue of material fact that would preclude judgment as a matter of law, (2) Plaintiffs' claims are barred by the applicable statute of limitations, 3) Plaintiffs' lack standing to bring their claims, and 4) NYLIC has no duty to explain the plain language of the policy to Plaintiffs, so Plaintiffs' construction fraud claims fail.

In support of its motion for summary judgment, NYLIC relies upon the following:

- (1) Memorandum in Support of Motion for Summary Judgment;
- (2) Concise Statement of Undisputed Material Facts;
- (3) the insurance policy;
- (4) Bhagubhai Hira Deposition Excerpts (taken August 14, 2015);
- (5) Pradip Hira Deposition Excerpts (taken August 14, 2015);
- (6) Smirish Hira Deposition Excerpts ( taken August 14, 2015); and

(7) Thakor Campaneria Deposition Excerpts (taken September 2, 2015)

Dated: September 11, 2015

Respectfully submitted,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

s/ Clarence Risin

Clarence Risin (BPR No. 16874)

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing Motion for Summary Judgment has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties listed below.

Dan D. Rhea  
Arnett, Draper & Hagood  
2300 First Tennessee Plaza  
P.O. Box 300  
Knoxville, TN 37901

This 11th day of September, 2015.

s/ Clarence Risin

Clarence Risin